

and in his opinion, but two, and these two great divisions were the producing and the consuming classes. He knew of no other divisions which did not war one upon the other. He knew no go-betweens which could harmonize with either. The merchant who bought to sell, bought from the producer in order to make a profit by imposing a tax upon the consumer. He lived upon the producer and upon the consumer both; because it was his interest, it was the daily business of his life to depress the price of the producer's labor, in order that he might make profit in the form of taxes upon the consumer. This was his entire business morning, noon and night. He thought of it by day and dreamed of it by night. He had no other occupation. When, therefore, the commercial power, situated as it always was in the larger cities, and not in the agricultural districts, obtained all the political power of a State, his life upon it, the producing classes would become hewers of wood and drawers of water. He could imagine that at no distant day Baltimore city might contain, as it had been predicted she would contain, a population of some five or six hundred thousand people. She was said to be the heart of the body politic, but unlike the heart of the body natural, when she got the blood to the centre, she never sent it out again to the extremities. It remained there, and never returned to give life and vigor to the whole system.

He could suppose that this great commercial power might have, in the course of time, the political power of this State, and might control and regulate all the laws of trade, and reverse all those natural laws of trade, founded, in his judgment, upon the true principles of political economy, by which the person who desired to buy was made to go in search of the person who had to sell, and adopt a principle by which the producer of the raw material was forced to go in quest of the capitalist, thereby placing the laws of trade and the control of the market in the hands of the commercial power. He could suppose such a state of things to exist, and he would ask whether, under such circumstances, it would not be of the utmost importance to the agricultural portions of the State, to have a peculiar representative in the Senate of the United States? In that body, where great commercial treaties were to be formed, by which the surplus products of the country were either to find a market in foreign countries, or to rot upon our hands, he thought it a matter of sufficient interest to become a question of State policy, whether a provision should not be engrafted in the Constitution, which should, in all time to come, secure to the agricultural classes of the State a thorough and distinct representation. He held it to be their duty to provide that they shall be so represented. He had no allusion to the agriculturists of a particular section of the State: he meant the agriculturists of all Maryland—Western and Eastern. They should take care of it; it was their bounden duty to do it. Because gentlemen felt some doubt upon the question of constitutional power, a power which had been acquiesced in for forty years, and which he thought

he had shown was not antagonistical to the Constitution of the United States, was it to be struck down for ever? Were gentlemen unwilling to engraft this provision upon the Constitution, and yet willing to leave it upon your statute book, as a standing memorial of legislative encroachments upon the Constitution of the United States? If they would not consent to a repeal of the act of 1809, he could not discover what reasons they could urge as a justification of their opposition to the engrafting a similar provision in the Constitution of the State. so far, at least, as the question of constitutional power was concerned. Did gentlemen suppose that the framers of the law of 1809 acted under the belief that they were merely doing an act of courtesy when they passed it? No; he had a better opinion of the men of those days than to suppose that they would have violated their oaths of office by passing a law which they believed at the time to be against the Constitution of the United States. No, sir. They believed it to be constitutional, or else they were faithless to the trust reposed in them by passing it. Political skeptics and hair-splitters, men who cannot see the force of the position, that where two things may stand upon the same platform in harmony together, one need not be driven off, but both permitted to remain, may raise doubts as to the constitutionality of this provision—but he defied human ingenuity, human intellect, to show him where the conflict necessarily existed, and it must be a case of necessary conflict, or else both must be permitted to stand together.

The gentleman from Kent had supposed that the Constitution of the United States intended to enumerate all the qualifications of a Senator, and had found it necessary to invoke to his aid the common law maxim of "Expressio unius est exclusio alterius;" but if the gentleman would look to the ninth article of the amendments to the Constitution of the United States, he would find that he could not avail himself of the benefit of this maxim, for it is there expressly declared to have no applicability whatever to questions of constitutional law. The language of the ninth amendment is: "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." Whatever application, then, this maxim had to the ordinary rules of construction, it certainly had none when we were called upon to construe the Constitution of the United States, with reference to the powers of the General Government, and the reserved rights of the States.

In conclusion, Mr. B. said, he could not but think that the States, in the exercise of their reserved rights, had the power to establish United States senatorial districts; and, in his opinion, the agricultural portions of the State should unite to secure the benefits of such a provision by engrafting it upon the constitution of the State.

Mr. THOMAS said that it might be that what he should say in vindication of his vote was stated, during the debate on this subject which had occurred during his absence, in much better form than he would express himself now. If this article